

Docket Item # 3

DEVELOPMENT SPECIAL USE PERMIT #2006-0034

LYNN HOUSE OF POTOMAC VALLEY

Planning Commission Meeting
February 6, 2007

REQUEST: Consideration of a request for extension of a previously approved development special use permit, with site plan, to expand an existing nursing facility.

APPLICANT: Lynn House of Potomac Valley, Inc.
by Duncan Blair, attorney

LOCATION: 4400 West Braddock Road

ZONE: R-8/Residential

I. OVERVIEW

The applicant requests a three year extension of an approved development special use permit with site plan for a 4,000 SF addition to the existing 27,835 SF Lynn House nursing facility at 4400 Braddock Road. The building addition will expand the existing nursing facility from 22 living units (beds) to 28 living units.

II. STAFF ANALYSIS

Under the current Zoning Ordinance, nursing facilities are not a permitted use in the R-8 zone. However, the site has operated as a nursing facility since the 1950s and is permitted to continue as a non-conforming use. Per Section 12-302, the expansion of a non-conforming use may be permitted through a special use permit. In 1990, the City Council approved a request for a special use permit (SUP #2433) to expand the nursing facility, which was to occur in two phases. The first phase would construct the bulk of the facility and the second phase would construct an addition to the new building at a later date.

The applicant obtained a building permit (B9106960) in December 1991 to construct the main building of the nursing facility and completed construction in April 1993. Construction of the addition never began and the special use permit approval subsequently expired. No development activity occurred at the property until 2003 when the applicant applied for a development special use permit (DSUP #2003-0026) for the addition, which was approved by the City Council on November 15, 2003. After approval of the DSUP, the applicant obtained an approved final site plan on February 1, 2006. The construction of the addition was to be completed in two phases. Phase 1 consisted of interior renovations and the realignment of uses required for the addition and Phase 2 consisted of construction of the 4,000 SF addition to the existing building.

The applicant obtained a building permit (BLD 2005-00495) for Phase I activities and began construction on April 22, 2005, thus fulfilling the requirement that substantial construction begin within eighteen months of City Council approval. A building permit (BLD 2005-03222) for the addition was later issued in March 2006. However, since the issuance of this permit, construction has not yet begun.



Figure 1: Aerial

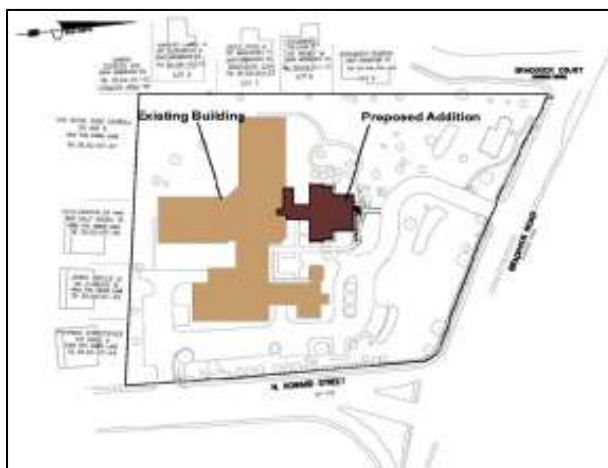


Figure 2: Site Plan

Per Section 11-418(A), site plan approval expires if construction is not diligently pursued within eighteen months of approval or if there is an interruption in construction activity for more than 12 consecutive months. The last construction activity at this site was March 2006, meaning the site plan approval will expire March 2007 if no further activity occurs. The applicant has stated

that as a result of increased construction costs, the funding needed for the new addition is currently unavailable, therefore preventing further construction at this time. As a result, the applicant has requested a three year extension to the special use permit approval.

While staff supports the proposed extension, staff does not support a three year extension. Staff is recommending an eighteen month extension, which is consistent with other requests for extensions. Staff has also recommended three new conditions that are standard among recent projects. These conditions include (1) incorporating green building techniques into the design of the building, (2) providing a location survey and height certification prior to issuance of an occupancy permit, and (3) providing storage space for solid waste and recyclable materials containers.

III. CONCLUSION

Staff recommends **approval** of the applicant's request for an extension to DSUP #2003-0026, subject to Staff Recommendations below. However, rather than the three year extension requested by the applicant, staff recommends an extension of eighteen months be granted.

STAFF: Richard Josephson, Acting Director, Planning & Zoning;
Jeffrey Farner, Chief, Development; and
Katie Parker, Urban Planner.

IV. STAFF RECOMMENDATION

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. That the permit be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2433)
2. That the number of beds permitted at the nursing facility be limited to twenty-eight (28) as requested by the applicant. (P&Z) (SUP #2433)
3. The final design of the proposed Lynn House addition shall be consistent in architectural style, character and material quality as depicted on the preliminary architectural elevations dated August 11, 2003, and as depicted on the color rendering dated September 11, 2003, to the satisfaction of the Director of Planning and Zoning. The material for the building shall be brick and asphalt shingle roofing to match the existing building. (P&Z) (DSUP #2003-0026)
4. **[NEW CONDITION PROPOSED BY STAFF]** The building shall incorporate the use of green building and sustainable techniques for the site and building systems. The architect shall provide a list of specific examples of green technology measures implemented and equipment incorporated into the building and site design prior to the release of a building permit, to the satisfaction of the Directors of T&ES and P&Z. (P&Z)
5. The total number of employees at the facility shall be limited to thirty-nine (39), or no more than twenty-two (22) for any shift. (P&Z) (DSUP #2003-0026)
6. A final landscape plan shall be provided with the final site plan to the satisfaction of the Directors of P&Z and RP&CA. The landscape plan shall also provide for the following:
 - a. Up to ten (10) additional 3"-3½" caliper shade trees and ten (10) additional evergreen trees on the western portion of the site to supplement screening for the adjacent residential uses and along the frontage of Braddock Road.
 - b. The designated caliper size of the Kwanzan Cherry trees shall be increased from 2" to 3½".
 - c. The designated caliper size of the Autumn Flame Maple trees shall be increased from 2 ½" to 3 ½".
 - d. The limits of disturbance shall be restricted to the area depicted on the preliminary plan.
 - e. All landscaping shall be maintained in good condition and replaced as needed.
 - f. All plant specifications shall be in accordance with the current and most up to date edition of the American Standard For Nursery Stock (ANSI Z60.1) as produced by the American Association for Nurserymen; Washington, D.C.
 - g. All work shall be performed in accordance with Landscape Specifications Guidelines 4th Edition as produced by the Landscape Contractors Association (LCA) of Maryland, District of Columbia and Virginia; Gaithersburg, Maryland.

- h. Utility lines such as water, storm sewer and electric lines shall be located to minimize impacts on proposed street trees and open space.
 - i. The location of all light poles shall be coordinated with the location of trees.
 - j. As trees mature they are to be limbed up to a minimum 6 feet. Trees are not to be planted under or near light poles. (P&Z) (RP&CA) (Police) (DSUP #2003-0026)
- 7. In the event any trees designated to be saved or outside of the immediate construction area are damaged or destroyed during the development process, the applicant shall replace such tree(s) with additional trees of significant caliper equal, cumulatively, to the tree destroyed. The landscape bond shall be maintained for a period of 24 months after approval of the final as-built site plan. (P&Z) (DSUP #2003-0026)
- 8. A temporary informational sign shall be installed on the site prior to the approval of the final site plan for the project and shall be displayed until construction is complete incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project. (P&Z) (DSUP #2003-0026)
- 9. Any inconsistencies between the various drawings shall be reconciled to the satisfaction of the Directors of P&Z and T&ES. (P&Z) (DSUP #2003-0026)
- 10. The applicant shall be permitted to make minor adjustments to the building footprint to accommodate the final design of buildings to the satisfaction of the Directors of P&Z and T&ES. (P&Z) (DSUP #2003-0026)
- 11. Provide calculations and detailed drawings for the proposed flow splitter and 48" HDPE pipe to be used for stormwater detention. Include plan and profile for pipe. (T&ES) (DSUP #2003-0026)
- 12. Developer to comply with the peak flow requirements of Article XIII of AZO. (T&ES) (DSUP #2003-0026)
- 13. Plan must demonstrate to the satisfaction of the Director of T&ES that adequate stormwater outfall is available to the site or else developer is to design and build any on or off site improvements to discharge to an adequate outfall. (T&ES) (DSUP #2003-0026)
- 14. Show all existing and proposed easements, both public and private. (T&ES) (DSUP #2003-0026)
- 15. Show existing and proposed street lights and site lights. Indicate the type of fixture, and show mounting height, and strength of fixture in Lumens or Watts. Provide manufacturer's specifications for the fixtures. Provide lighting calculations to verify that lighting meets City Standards in consultation with the police. (T&ES) (DSUP #2003-0026)

16. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES) (DSUP #2003-0026)
17. The stormwater Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:
 - a. Constructed and installed as designed and in accordance with the approved Final Site Plan.
 - b. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized. (T&ES) (DSUP #2003-0026)
17. The surface appurtenances associated with the on-site structural stormwater Best Management Practices (BMPs) shall be marked to the satisfaction of the Director of T&ES to identify them as part of a structural BMP system. (T&ES) (DSUP #2003-0026)
18. For any surface-installed stormwater Best Management Practice (BMP), i.e. Bio-Retention Filters, Vegetated Swales, etc. that are employed for this site, descriptive signage for the BMPs is required to be installed to the satisfaction of the Director of T&ES. (T&ES) (DSUP #2003-0026)
19. Prior to approval of the final site plan, the applicant shall execute and submit a maintenance agreement with the City for the stormwater quality Best Management Practices. (T&ES) (DSUP #2003-0026)
20. The applicant shall be responsible for maintaining stormwater Best Management Practices (BMPs) until activation of the homeowners' association (HOA), if applicable, or until sale to an owner. Prior to transferring responsibility for the BMPs to the HOA or owner, the applicant shall execute a maintenance service contract with a private contractor for a minimum of three years and transfer the contract to the HOA or owner. A copy of the contract shall also be placed in the BMP Operation and Maintenance Manual. Prior to release of the performance bond, a copy of the contract shall be submitted to the City. (T&ES) (DSUP #2003-0026)
21. The applicant shall furnish the homeowner association, if applicable, or owner(s) with an Owner's Operation and Maintenance Manual for all the Best Management Practices (BMPs) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s), drawings and diagrams of the BMP(s) and any supporting utilities, catalog cuts on maintenance requirements, manufacturer contact names and phone numbers, and a copy of the maintenance agreement with the City. (T&ES) (DSUP #2003-0026)

22. During the construction phase of this development, the site developer, its contractor, certified land disturber, or owner's other agents shall implement a waste and a refuse control program. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them and sanitary waste at the construction site and prevent its off site migration that may cause adverse impacts to the neighboring properties or the environment to the satisfaction of Directors of Transportation and Environmental Services and Code Enforcement. All wastes shall be disposed off-site properly in accordance with all applicable federal, state and local laws. (T&ES) (DSUP #2003-0026)
23. In approving the waiver of Article XIII, Section 13-117(B), water quality volume, the City requires that a certain portion of the site be treated in an approved water quality BMP. The treated impervious area must be equal to or greater than the proposed limit of disturbance (assuming no water quality design is required). The preliminary water quality BMP design indicates that 1.27 acres of mostly roof area will be treated. While this approach is acceptable, the City would prefer to have impervious surfaces that come into contact with vehicles be treated in order to maximize the water quality improvements afforded by the BMP. Please consider this as the site design progresses. (T&ES) (DSUP #2003-0026)
24. **[NEW CONDITION PROPOSED BY STAFF]** As part of the request for a certificate of occupancy permit, the applicant shall submit a building and site location survey to the Department of P&Z for all site improvements. The applicant shall also submit a certification of height for the building as part of the certificate of occupancy for each building(s). The certification shall be prepared and sealed by a registered architect and shall state that the height of the building complies with the height permitted pursuant to the approved development site plan and that the height was calculated based on all applicable provisions of the Zoning Ordinance. (P&Z)
25. **[NEW CONDITION PROPOSED BY STAFF]** To the extent feasible, the applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext. 132. (T&ES)
26. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the facility and a robbery awareness program for all employees. (Police) (DSUP #2003-0026)
27. In accordance with the City's Affordable Housing Policy, the applicant shall make a contribution to the City's Affordable Housing Trust Fund of \$1 per gross square foot of development for all new building area constructed if larger than 3,000 gross square feet.

The applicant shall pay the contribution to the City's Office of Housing prior to issuance of the certificate of occupancy. (Housing) (DSUP #2003-0026)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- C-1 Bond for the public improvements must be posted prior to release of the plan.
- C-2 All downspouts must be connected to a storm sewer by continuous underground pipe.
- C-3 The sewer tap fee must be paid prior to release of the plan.
- C-4 All easements and/or dedications must be recorded prior to release of the plan.
- C-5 Plans and profiles of utilities and roads in public easements and/or public right-of-way must be approved prior to release of the plan.
- C-6 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.
- C-7 All utilities serving this site to be underground.
- C-8 Provide site lighting plan to meet minimum city standards.
- C-9 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-10 The applicant must comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control which includes requirements for pollutant load reductions and treatment of the Water Quality Volume Default (WQV).
- C-11 The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. This includes naming a Responsible Land Disturber on the Erosion and Sediment Control sheets prior to engaging in land disturbing activities in accordance with Virginia Erosion and Sediment Control Law.
- C-12 All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources must be in place for all project construction and mitigation work prior to release of the final site

plan. This includes the new state requirement for a VPDES permit for all construction activities greater than 1 acre.

C-13 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

F-1 T&ES has no objections to extending the period of validity of DSUP #2003-0026.

F-2 DEQ has no objection to this request.

Code Enforcement:

The following are repeat comments from a review on 11/28/06. Updated comments are in **BOLD**.

C-1 The developer shall provide a separate Fire Service Plan which illustrates: a) emergency ingress/egress routes to the site; b) two fire department connections (FDC) to the building, one on each side/end of the building; c) fire hydrants located within on hundred (100) feet of each FDC; d) on site fire hydrants spaced with a maximum distance of three hundred (300) feet between hydrants and the most remote point of vehicular access on site; e) emergency vehicle easements (EVE) around the building with a twenty-two (22) foot minimum width; f) all Fire Service Plan elements are subject to the approval of the Director of Code Enforcement. Submit plan as part of next set of plans. Condition met. Sheet 22 provided.

C-2 Include Rodent Abatement Plan note. Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers. Condition met. Note provided on Sheet 1.

C-3 Include Soil Report Note. A soils report must be submitted with the building permit application. Condition met. Shown as Note 38 on Sheet 1.

C-4 Modified means of egress from existing building into new addition must meet the requirements of the USBC. Condition met, shown as Note 44 on Sheet 1.

C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC). Condition met. Shown as Note 12, Sheet 1.

C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC). Acknowledged by applicant.

C-7 The developer shall provide a building code analysis with the following building code data on the plan: a) use group; b) number of stories; c) type of construction; d) floor area per floor; e) fire protection plan. Condition met, shown on Sheet 22.

- C-8 Prior to submission of the Final Site Plan, the developer shall provide a fire flow analysis by a certified licensed fire protection engineer to assure adequate water supply for the structure being considered. Fire flow approved on 6/27/05.
- C-9 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 119.1. Condition met.
- C-10 The proposed addition shall be equipped with an automatic fire sprinkler system in accordance with NFPA 13 and the USBC. Condition met.
- C-11 Construction and staging shall remain clear of Emergency Vehicle Easements Fire Hydrants and Fire Department connections. Location and phasing of construction staging and equipment shall be to the satisfaction of the Director of Transportation and Environmental Services and the Director of Code Enforcement. Provide construction staging and equipment location for review. Information not provided. Condition not met. **Condition met.**

Historic Alexandria (Archaeology):

- F-1 Civil War period maps indicate the presence of a structure in the vicinity of this property, but the exact location is unknown. In addition, Fort Ward is situated across Braddock Road, and several other Civil War period fortifications are on nearby lots. The property therefore has the potential to yield archaeological resources which could provide information about the Civil War as well as insight into domestic activities outside of the town during the 19th century. Although archaeological testing conducted on the property in 1990 indicated that there was significant disturbance, it is possible that remnants of the 19th-century activities could still be present.
- C-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- C-2 The above statement (in C-1) must appear in the General Notes of the site plan and on all site plan sheets that involve demolition or ground disturbance (including sheeting and shoring and grading) so that on-site contractors are aware of the requirement.

Police

Due to the proximity of existing residential single-family homes, staff has modified this requirement to include evaluation of appropriate lighting levels for the site in consultation with the police.

- R-1 The lighting in the parking lots, sidewalks and all common areas is to be a minimum of 2.0 foot candles minimum maintained.